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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/817,199

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Chris Mroz

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01/07/2009

GRAYBEAL JACKSON LLP

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SUITE 350

BELLEVUE, WA 98004-5973

EXAMINER

CHAPMAN, JEANETTE E

ART UNIT

PAPER NUMBER

3633

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/817,199	<b>Applicant(s)</b> MROZ, CHRIS	
	<b>Examiner</b> Jeanette E. Chapman	<b>Art Unit</b> 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 6,7,10,13-30 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 9, 11,12,31-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/14/05, 2<sup>nd</sup> pg.</u>                              | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-9, 11-12, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tynan (2446893) in view of Holman (4255477)

1.

Tynan discloses decorative or structural element derived from wood comprising: a unitary ribbon 25 comprising a body portion having a length (L), figure 5, between a first end and a second end, thereby defining a longitudinal axis, a width (W) and a thickness (D), figure 11; first and second major surfaces, and first and second lateral perimeter surfaces having a width substantially equal to (D) and a length substantially equal to (L), see figures 1,5,7 and 11; and a plurality of peaks (P<sub>n</sub>) and troughs (T<sub>n</sub>) between the first and second ends generally forming a sinusoidal waveform. See figure 5. Tynan lacks the wood being rigid and being compressed. Holman discloses a sinuous ribbon of compressed wood and being rigid. See abstract and column 1, line 1 through column 2, line 5. It would have been obvious to one of ordinary skill in the art to modify Tynan to make the sinuous ribbon of rigid compressed wood in order to eliminate the presence of void spaces between adjacent strips while increasing the structural integrity

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of the same

2.

Tynan discloses the amplitude and wavelength are generally constant from the first end to the second end of the ribbon. See figure 5

3.

Tynan discloses a tangent contacting each peak  $P_n$  is characterized as one of convex, concave, undulating or linear. See figure 5

4.

Tynan discloses a tangent contacting each trough  $T_n$  is characterized as one of convex, concave, undulating or linear. See figure 5

5.

Tynan discloses a tangent contacting each peak  $P_n$  is characterized as one of convex, concave, undulating or linear and wherein a tangent contacting each trough  $T_n$  is characterized as one of convex, concave, undulating or linear.

8.

Tynan discloses a tangent contacting each peak  $P_n$  is characterized as convex and a tangent contacting each trough  $m_n$  is characterized as concave.

9.

Tynan discloses one of the wavelength or the amplitude is generally constant. See figure 5

11.

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Tynan discloses a tangent contacting each peak  $P_n$  is characterized as one of convex or concave, and a tangent contacting each trough  $T_n$  is characterized as linear. See figure 5.

12.

Tynan discloses wherein the wavelength " $k$ " is generally constant. See figure 5

31.

Tynan discloses a decorative or structural element derived from compressed wood comprising:

a unitary ribbon 25 comprising a body portion having a length ( $L$ ) between a first end and a second end, thereby defining a longitudinal axis, a width ( $W$ ) and a thickness ( $D$ ); first and second major surfaces, and first and second lateral perimeter surfaces having a width substantially equal to ( $D$ ) and a length substantially equal to ( $L$ ); and a plurality of peaks ( $P_n$ ) and troughs ( $T_n$ ) between the first and second ends generally forming a sinusoidal waveform wherein the ribbon includes at least one longitudinal twist between the first end and the second end. See figures 5-11

Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tynan in view Holman and further in view of Lamle.

32.

It is unclear from figure 5 if Tynan discloses the at least one longitudinal twist is between two adjacent peaks. Lamle discloses a plurality of ribbons with a sinusoidal configuration with at least one longitudinal twist between adjacent peaks.

33.

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Lamle discloses at least one longitudinal twist is between a first peak and an adjacent trough.

34.

The measurement for the longitudinal twist has been considered one of choice well within the scope of Tynan and Lamle requiring only routine experimentation to arrive at optimal measurement ranges.

In view of the above it would have been obvious to modify Tynan to include the twist ribbon of Lamle to improve the strength of the ribbon as shown by Lamle.

Applicant's arguments are moot in view of the new ground of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E. Jeanette whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00, every fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Brian Glessner can be reached at 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JEANETTE CHAPMAN/  
PRIMARY EXAMINER  
ART UNIT 3633

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